

REMARKS

The Examiner objected to the Information Disclosure Statement filed 12/14/2001 on the ground that it fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. However, the basis for this objection is not understood, since legible copies of all of the documents listed in the Information Disclosure Statement were included along with the Information Disclosure Statement except for those documents that were properly identified in other Information Disclosure Statements filed in the earlier applications properly identified in paragraph 1 of the subject Information Disclosure Statement and relied on for an earlier effective filing date under 35 U.S.C. § 120 in compliance with 37 CFR 1.98(d). Accordingly, consideration of all of the documents listed in the Information Disclosure Statement that are in the English language is respectfully requested.

The further objection to the Information Disclosure Statement for failure to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of each patent listed that is not in the English language is noted. Applicants are not able to comply with this requirement at this time.

Claims 1-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Li et al U.S. Patent No. 6,129,662. Of these claims, claims 1, 3, 5, 8, 15, 16, 19, 20, 29 and 30 have been amended more clearly to distinguish patentably over the cited references, claims 2, 4, 7, 17, 18, 24 and 31 have been cancelled, and a new claim 32

has been added, leaving claims 1, 3, 5, 6, 8-16, 19-23, 25-30 and 32 pending in this application. Further and favorable consideration of these pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 is directed to a lighting device including *inter alia* an optic light guide for receiving light from a light source and propagating light therethrough via internal reflection. As claimed, the light guide has a free end that emits directional light and a sleeve surrounding the free end. Also, the sleeve has an aperture axially outwardly spaced from the free end through which a beam of light from the free end passes, and the sleeve is selectively axially movable in and out relative to the free end prior to and during use of the device to vary the distance between the aperture and the free end to vary the size of the beam of light passing through the aperture.

Admittedly, Li et al discloses an optic light guide 10 having a free end that emits directional light and a sleeve 42 surrounding the free end and having an aperture spaced from the free end through which a beam of light passes. However, exception is taken with the Examiner's statement that the sleeve of Li et al is movable in and out relative to the free end to vary the distance between the aperture and the free end to vary the size of the beam of light passing through the aperture. The statement in column 3, lines 35-45 of Li et al simply describes the minute spacing (of between 0.001 inch and 0.1 inch) that may be provided between the light-transmitting window 32 and the fiber optic member 10 shown in Fig. 3 so that light transmitted out port 34 and through window 32 raises the surface temperature of an adjacent surgical region less than about 55°C. when light is transmitted through window 32 to the region. It is

respectfully submitted that such a minute spacing (of less than 0.009 inch) of the window from the light-delivery end of the fiber optic member would have no effect on the size of the beam passing through the aperture. In fact, the open end of the surrounding tubing 42 of Li et al is flared outwardly so as not to restrict in any way the size of the beam passing through the free end as shown in Fig. 1.

Moreover, as described in column 2, lines 61-64 of Li et al, the surgical tool 20 is fixedly connected to an intermediate section 30 of the body portion 12 of the fiber optic member 10 by epoxy adhesive 44 as shown in Fig. 3. Thus, in no event is the sleeve of Li et al selectively axially movable in and out relative to the free end of the light guide prior to and during use of the device to vary the distance between the aperture and the free end to vary the size of the beam of light passing through the aperture as recited in claim 1. The other cited references appear to be even less pertinent. Accordingly, claim 1 is submitted as clearly allowable.

Claims 3, 5, 6, 8-15 and 32 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claim 3 further patentably distinguishes over Li et al (as well as the other cited references) by reciting a lens attached to the sleeve and covering the aperture to focus the beam of light passing through the aperture by moving the sleeve in or out relative to the free end of the light guide. The member 32 of Li et al is a window of light-transmitting material which, as described in column 3, lines 20-35, has a thickness sufficient to reduce the light density transmitted through the window and out port 34 of surgical tool 20 so that the surface temperature of adjacent surgical region 36 rises less than about 55°C. when light is transmitted

through the window. The window 32 is not a lens covering an aperture to focus the beam of light passing through the aperture, much less by moving the sleeve in or out relative to the free end of the light guide as recited in claim 3.

Claims 5, 6 and 8 also further patentably distinguish over Li et al by reciting a translucent or transparent protective cover surrounding the light guide having a closed end that covers the free end of the light guide, with the sleeve surrounding the protective cover and axially movable in and out relative to the protective cover. The sleeve surrounding the heat-shrink polymeric tubing 42 of Li et al is not axially movable in and out relative to the protective cover as claimed. Also exception is taken with the Examiner's statement that Li et al discloses a connecting member attached to another end of the light guide remote from the free end with the protective cover sealed against the connecting member as recited in claim 8. Neither of the connecting members 26 and 28 of Li et al is attached to the light receiving end 14 of the light guide 10. Instead, the connectors 17 and 49 are connected to the light receiving end. Moreover, in neither case is the protective cover sealed against these connecting members.

Claim 10 further patentably distinguishes over Li et al by reciting that the support member for supporting the light guide is integral with a connecting member attached to an other end of the light guide remote from the free end. None of the support members 19 of Li et al is attached to any of the connectors 17, 49 at the other end of the light guide.

Claim 15 further patentably distinguishes over Li et al by reciting a malleable wire extending between a portion of the light guide and the protective cover which is

bendable to hold the shape of the portion of the light guide once arranged in a desired position.

Newly submitted claim 32 further patentably distinguishes over Li et al by reciting that the sleeve has an outer end wall axially outwardly spaced from the free end containing the aperture, and that the aperture has a substantially smaller diameter than the inner diameter of the sleeve adjacent the outer end wall. The open end of the surrounding tubing 42 of Li et al has no such outer end wall. In fact, the open end of the surrounding tubing 42 is flared out so as not to restrict the beam of light as seen in Fig. 1 of Li et al.

Claim 16 is directed to a lighting device for illuminating a viewing area including *inter alia* a sleeve surrounding the free end of the light emitter having an aperture axially outwardly spaced from the free end through which directional light from the free end is beamed, wherein the sleeve is selectively axially movable in and out relative to the free end of the light emitter prior to and during use of the device and contains a lens covering the aperture to focus the beam of light passing through the aperture by moving the sleeve and thus the lens in or out relative to the free end of the light emitter in a manner also clearly nowhere disclosed or suggested in Li et al or in any of the other cited references. Accordingly, claim 16 is also submitted as clearly allowable.

Claims 19-23 and 25-30 depend from claim 16 and are submitted as allowable for substantially the same reasons. Moreover, claim 19 further patentably distinguishes over Li et al (as well as the other cited references) by reciting that the light emitter also emits diffuse light along a portion of the length of the light emitter immediately adjacent

the free end. Also, claims 20-23 further patentably distinguish over Li et al by reciting *inter alia* a transparent or translucent protective cover surrounding the light emitter having a closed end covering the free end of the light emitter, and the sleeve surrounding the closed end of the protective cover and being axially movable in and out relative to the protective cover.

Claims 29 and 30 further patentably distinguish over Li et al by reciting a malleable member extending along one side only of the light emitter which is bendable to hold the shape of the light emitter once arranged in a desired position. Also claim 30 further patentably distinguishes over Li et al by reciting a flexible protective cover surrounding the light emitter and malleable member, and that the sleeve surrounds the protective cover and is axially movable in and out relative to the protective cover. The malleable stainless steel tube 22 of Li et al does not extend along one side only of the light emitter, and the sleeve of Li et al that surrounds the protective cover is not axially movable in and out relative to the protective cover.

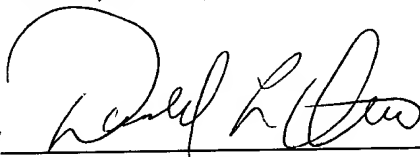
For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1, 3, 5, 6, 8-16, 19-23, 25-30 and 32, and early action to that end is earnestly solicited. Should the Examiner disagree with applicants' attorney in any respect, it is respectfully requested that the Examiner telephone applicants' attorney in an effort to resolve such differences.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for an extension of time and/or for the presentation of new and/or amended claims. In the event any additional

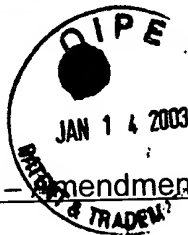
fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Charge No. LUMIP0128US).

Respectfully submitted,

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APPENDIX – Amendment Version With Markings to Show Changes Made

Following is a marked-up version of the above amendments to the claims, with added material underlined, and with removed material struck out and in brackets.

In the Claims

Please amend claims 1, 3, 5, 8, 15, 16, 19, 20, 29 and 30 as follows:

1. (Amended) A lighting device comprising an optic light guide for receiving light from a light source and propagating light therethrough via internal reflection, said light guide having a free end that emits directional light, and a sleeve surrounding said free end, said sleeve having an aperture axially outwardly spaced from ~~[the]~~ said free end through which a beam of light from said free end passes, said sleeve being selectively axially movable in and out relative to said free end prior to and during use of the device to vary the distance between said aperture and said free end to vary the size of the beam of light passing through said aperture.

3. (Amended). The lighting device of claim 1 further comprising a lens attached to said sleeve, said lens covering said aperture to focus the beam of light passing through said aperture by moving said sleeve in or out relative to said free end of said light guide.

5. (Amended). The lighting device of claim 1 further comprising a translucent or transparent protective cover surrounding said light guide, said protective cover having a closed end that covers said free end of said light guide, said sleeve surrounding said protective cover and being axially movable in and out relative to said protective cover.

8. (Amended) The lighting device of claim [7] 5 further comprising a connecting member attached to an other end of said light guide remote from said free end, said protective cover being sealed against said connecting member.

15. (Amended) The lighting device of claim 1 wherein said light guide is flexible, further comprising a flexible protective cover surrounding said light guide, and a malleable [~~member extends along~~] wire extending between a portion of said light guide and said protective cover, said malleable [~~member~~] wire being bendable to hold the shape of said portion of said light guide once arranged in a desired position.

16. (Amended) A lighting device for illuminating a viewing area comprising a light distributor for receiving light from a light source and propagating light therethrough via internal reflection, a light emitter for receiving light propagated by the light distributor and emitting directional light from a free end of said light emitter, and a sleeve surrounding said free end of said light emitter, said sleeve having an aperture

axially outwardly spaced from said free end through which the directional light from said free end is beamed, said sleeve being selectively axially movable in and out relative to said free end of said light emitter prior to and during use of said device, said sleeve containing a lens covering said aperture to focus the beam of light passing through said aperture by moving said sleeve and thus said lens in or out relative to said free end of said light emitter.

19. (Amended) The lighting device of claim 16 wherein said light emitter also emits diffuse light along a portion of the length of said light emitter immediately adjacent said free end.

20. (Amended) The lighting device of claim 16 further comprising a translucent or transparent protective cover surrounding said light emitter, said protective cover having a closed end covering said free end of said light emitter, and said sleeve surrounding said closed end of said protective cover and being axially movable in and out relative to said protective cover.

29. (Amended) The lighting device of claim 16 wherein said light emitter is flexible, and a malleable member extends along one side only of said light emitter, said malleable member being bendable to hold the shape of said light emitter once arranged in a desired position.

30. (Amended) The lighting device of claim 29 further comprising a flexible protective cover surrounding said light emitter and said malleable member, said sleeve surrounding said protective cover and being axially movable in and out relative to said protective cover.

Claims 2, 4, 7, 17, 18, 24 and 31 have been cancelled.

New claim 32 has been added.